

**UNITED STATES DISTRICT COURT  
for the  
DISTRICT OF MASSACHUSETTS**

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**VICTOR P. CAPALDI**  
**Plaintiff**

**v.**

**F/V GEORGIE J, her engines, boilers, equipment,  
machinery, tackle, furnishings, apparel, appurtenances,  
etc., including, but not limited to, it s commercial fishing  
licenses, permits, limited entry rights, quotas, moratorium  
permits/licenses, and all other fishing rights, history,  
privileges, or entitlements arising from, issued to,  
attaching to, or appurtenant to said vessel, *in rem***  
**Defendant**

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**Civil Action  
No. 04-10843-JLT**

**PLAINTIFF'S MOTION FOR INTERLOCUTORY SALE OF F/V GEORGIE J ON  
SEPTEMBER 10, 2004**

Now comes, Plaintiff, Victor Capaldi, and, by and through is attorney, pursuant to Rule E (9)(b) of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure (hereinafter referred to as "Supplemental Rules"), moves for an order directing the United States Marshal to sell defendant vessel F/V GEORGIE J (O.N. 502064), her engines, boilers, equipment, machinery, tackle, furnishings, apparel, appurtenances, etc., including, but not limited to, its commercial fishing licenses, permits, limited entry rights, quotas, moratorium permits/licenses, and all other fishing rights, history, privileges, or entitlements arising from, issued to, attaching to, or appurtenant to said vessel, (hereinafter referred to as the "Vessel"), at public auction for the highest price that can be obtained at a location, for the Court to schedule a confirmation hearing for some convenient date thereafter

and to bring and deposit the proceeds of the sale into the registry of the Court.

As grounds for this motion, Plaintiff relies on his Memorandum in Support of Plaintiff's Motion for Interlocutory Sale of F/V GEORGIE J and Order of Sale filed herewith.

WHEREFORE, Plaintiff moves for the entry of the following orders:

1. That the United States Marshal for the District of Massachusetts be directed to sell defendant vessel, F/V GEORGIE J. (O.N. 502064), (O.N. 502064), her engines, boilers, equipment, machinery, tackle, furnishings, apparel, appurtenances, etc., including, but not limited to, its commercial fishing licenses, permits, limited entry rights, quotas, moratorium permits/licenses, and all other fishing rights, history, privileges, or entitlements arising from, issued to, attaching to, or appurtenant to said vessel at public auction for the highest price that can be obtained;
2. That the public auction take place on September 10, 2004 at 11:00 a.m. on or adjacent to F/V GEORGIE J which is currently located at Fairhaven Shipyard & Marina, Inc., 50 Fort Street, Fairhaven, Massachusetts 02719;
3. That Plaintiff, or the United States Marshal, shall give notice of the date, time, and place of the sale to (i) the vessel owner, mortgagees, and all lien holders of record with the United States Coast Guard's National Vessel Documentation Center by first class mail and (ii) the public-at-large by advertising same at least once per week for two successive weeks in the New Bedford Standard Times and the Boston Herald, the first notice to be published at least seven (7) days prior the date of sale;
4. That the United States Marshal be directed to require at said sale to have a minimum bid of \$1,000,000.00;

5. That the United States Marshal be directed to require at said sale that the highest bidder deposit with the United States Marshal on the day of sale the sum of \$10,000.00 in cash or certified check payable to the United States Marshal for the District of Massachusetts with the balance to be paid at or before the confirmation hearing;
6. That the United States Marshal be directed to pay into the Registry of the United States District Court for the District of Massachusetts any and all monies received as a result of said sale;
7. That the United States Marshal prepare such documents and reports as may be necessary for the confirmation of the sale by the United States District Court. The confirmation hearing shall be held at the United States District Court at Boston, Massachusetts on September 23, 2004 at 2:00; and
8. That such other relief shall be granted as may be appropriate.

Respectfully submitted,  
VICTOR CAPALDI,  
By his attorney,  
CAROLYN M. LATTI

/s/ Carolyn M. Latti  
/S/Carolyn M. Latti  
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DATED: July 27, 2004